

## **NOTICE: How to use Writ and Debtor Examination Forms**

Each of the forms has a different purpose. Below is a list of the forms and a brief description of the purpose of the form. If the form you select has instructions, please read the instructions carefully before completing the forms. Instructions may not be available for every individual form. You may be able to obtain additional information about the use of the form from your local court assistance office or the court clerk's office at your county courthouse.

Memorandum of Costs: This form may be used to request an award of court costs at the conclusion of a civil case under Rule 54(d)(5) of the Idaho Rules of Civil Procedures. The types of costs which may be recovered and the requirements for an award are found in Rule 54(d)(1) of the Idaho Rules of Civil Procedure. You may view these rules at the Idaho Supreme Court website at <http://www.isc.idaho.gov/rulestxt.htm>.

Instruction on Calculating Interest on a Judgment: A judgment creditor is entitled to recover interest on a judgment until the judgment is paid. The judgment creditor is responsible for calculating the amount of interest which has accrued if collection of interest is to be included in a writ of execution. This is an instruction which explains how to calculate judgment interest.

Affidavit for Writ of Continuing Garnishment: A writ of continuing garnishment can be issued to a judgment debtor's employer to apply wages due the judgment debtor toward the judgment. This affidavit may be used to apply to the court for a continuing writ of garnishment. It can be used either by a judgment creditor or a victim of a crime who has received and recorded an Order of Restitution issued under Idaho Code Section 19-5304.

Writ of Continuing Garnishment: The writ which is issued on the Affidavit for Writ of Continuing Garnishment.

Affidavit for Writ of Execution: A Writ of Execution directs the Sheriff to satisfy a judgment out of the judgment debtor's property and file a return to the writ indicating the results of the execution. This affidavit can be used to provide the information the court clerk needs to issue the Writ of Execution.

CAO CvPi Inst 10-5 Instructions for Judgment Debtor Examinations  
CAO CvPi 10-5 Motion and Affidavit for Examination of Judgment Debtor  
CAO CvPi 10-6 Order on Motion for Examination of Judgment Debtor: These are forms and instructions needed to request an order that the judgment debtor appear in court to answer questions about his/her assets under oath so that a judgment creditor may find out about property which might be applied toward the satisfaction of the judgment.